

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMA C., et al.,

Plaintiff,

v.

DELAINE EASTIN, et al.,

Defendants.

NO. C 96-4179 TEH

ORDER CONTINUING STATUS  
CONFERENCE

The Court is in receipt of the Court Monitor's RSIP Compliance Trends Report, 2003-2009, as well as the Monitor's RSIP Quarterly Review Report for the period May-July, 2009. The District has failed to meet eight of the 13 benchmarks that the Court established for the 2008-09 school year "to stem the terrible decline" that occurred over the previous year. 11/20/08 Order Regarding Matters Raised in Status Conference Statements, at 7. The District was under court order to "conform to the final benchmarks . . . by the end of the current school year on June 30, 2009." *Id.* at 8. The District's failure to comply with that Order, which set benchmarks at levels the District had already achieved in 2006-07, is disheartening and inexcusable.

However, the Court also recognizes the District's improvement over the previous year. The District satisfied five of the benchmarks, and came within 2.5 percent of compliance on two of the eight benchmarks that it missed. The District performed better on 11 of the 13 benchmarked RSIP requirements than it had over the 2007-08 school year.

The results are, therefore, decidedly mixed. Although the District fell short of its 2006-07 performance – and the Court's expectations – it has improved on last year's abysmal showing. The Monitor's next RSIP Quarterly Review Report, covering the period August-October 2009, will demonstrate whether or not the District's compliance continues to


1 improve. Furthermore, the data will reflect, for the first time, the recent efforts by the  
2 District and the California Department of Education to correct noncompliance by  
3 implementing corrective actions pursuant to section 4.5 of the modified First Amended  
4 Consent Decree. The Court anticipates that this data, to be released in December, will  
5 provide valuable information to the parties and the Court and figure prominently in the  
6 discussion at the next status conference.

7 To allow for the release of the latest quarterly report, the status conference scheduled  
8 for November 18, 2009, is therefore CONTINUED to Wednesday, January 27, 2010, at  
9 2:00 pm, in Courtroom 12 on the 19th Floor, U.S. District Courthouse, 450 Golden Gate  
10 Avenue, San Francisco, CA 94102. Status conference statements from all parties must be  
11 submitted on or before Wednesday, January 20, 2010.

12 The benchmarks previously set for the 2008-09 school year will apply to the current  
13 school year until further notice. Furthermore, the District shall maintain or improve its  
14 performance on those requirements for which it has already met or exceeded the benchmark.  
15 Regression on any benchmarked requirement will be considered a violation of an order of  
16 this Court, and subject to contempt proceedings.

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18 **IT IS SO ORDERED.**

19 Dated: 11/02/09

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22 THELTON E. HENDERSON, JUDGE  
23 UNITED STATES DISTRICT COURT  
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